



**JUSTICE AND PUBLIC  
SAFETY CABINET  
DEPARTMENT OF  
JUVENILE JUSTICE  
POLICY AND PROCEDURES**

**AUTHORITY and  
REFERENCES:  
505 KAR 1:130,  
KRS 15A.0652;  
KRS 610.110;  
KRS 610.120;  
640.120**

**CHAPTER: Juvenile Services in Community**

**SUBJECT: Probation of Youthful Offenders**

**POLICY NUMBER: DJJ 616.1**

**TOTAL PAGES: 4**

**EFFECTIVE DATE: 1/04/2016**

**APPROVAL: Bob D. Hayter**

**COMMISSIONER**

**I. POLICY**

The Department of Juvenile Justice (DJJ) shall provide supervision to Youthful Offenders probated to the Department by a Circuit Court, in compliance with all applicable state laws and regulations, to monitor compliance with the conditions of probation or conditional discharge imposed by the Circuit Court.

**II. APPLICABILITY**

This policy and procedure shall apply to all community service offices.

**III. DEFINITIONS**

Refer to Chapter 600

**IV. PROCEDURES**

- A. Any period of probation required by the sentencing court may be supervised by DJJ, per order of the court, if the Youthful Offender is under the age of eighteen (18). DJJ may make recommendation to the Circuit Court concerning the disposition of the Youthful Offender. Reference KRS 640.050.
- B. At sentencing, the Juvenile Service Worker (JSW) shall secure signatures from the Youthful Offender and the parent or caregiver, and shall provide both with copies of the Conditions of Probation.
- C. The JSW shall use the following guidelines for Youthful Offenders on probation:
  1. Any Youthful Offender on probation who is under the age of eighteen (18) shall reside with a parent or caregiver and shall be subject to conditions of probation established by the court. The court may designate the Department to develop such conditions.

<b>POLICY NUMBER</b> <b>DJJ 616.1</b>	<b>EFFECTIVE DATE</b> <b>1/04/2016</b>	<b>PAGE NUMBER</b> <b>2 of 4</b>
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The court may add additional conditions upon the Youthful Offender as needed.

- a. All Youthful Offenders on probation shall participate in community supervision. Reference DJJPP Chapter 6 (Community Supervision).
  - b. An individual case plan and subsequent case reviews shall be in accordance with DJJPP Chapter 6 (Case Planning and Participation in Treatment Planning).
  - c. The JSW shall document in the electronic record the youth's compliance or failure to comply, with the conditions of probation.
  - d. It shall be the responsibility of the JSW to keep the Circuit Court apprised of any change in status of the youth.
2. The conditions of Youthful Offender probation shall be consistent with the Circuit Court order of probation. The conditions shall be discussed fully with the youth and parent or caregiver prior to signing.
  3. Any youthful offender, regardless of age, convicted of a felony offense under KRS is required to have DNA collected. The following steps shall be completed within ten (10) days.
    - a. The JSW shall submit a DNA request memorandum to the JSDS for approval.
    - b. Once approved the JSW shall coordinate with closest facility superintendent and RN and request a date for the youth to appear for sample collection.
    - c. The JSW shall notify the youth and parent or care giver of the location, date, and time for sample collection.
    - c. The JSW shall complete the DNA Sample Information Sheet (KSP 47) and electronically transfer to the facility RN.
    - d. Once the JSW has receive confirmation that the sample has been collected, the JSW shall document in the electronic record.
- D. A Youthful Offender shall remain on probation to the DJJ until the sentence has been served, the supervision has been transferred to the Department of Corrections upon turning eighteen (18) years old, or the youth is released from probation by the sentencing court.
  - E. A Youthful Offender whose probation extends beyond his eighteenth (18th) birthday shall be transferred to the supervision of the Department of Corrections. Reference KRS 640.050(1)(b).
  - F. Revocation of Probation
    1. The JSW shall notify the Circuit Court when violation(s) meeting the criteria for revocation under community supervision have occurred, and may request that the Youthful Offender's probation

<b>POLICY NUMBER</b> <b>DJJ 616.1</b>	<b>EFFECTIVE DATE</b> <b>1/04/2016</b>	<b>PAGE NUMBER</b> <b>3 of 4</b>
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be revoked. Any revocation shall take place prior to parole under or expiration of the sentence of imprisonment or within ninety (90) days after the grounds for revocation comes to the attention of the Department.

2. All violations shall be documented in the electronic record listing the date, condition(s) violated, and other significant factors.
3. The JSW shall complete the request to revoke the Youthful Offender's probation, and seek approval from the Juvenile Services District Supervisor (JSDS) prior to filing with the Commonwealth Attorney and the Circuit Court.
4. If the youth is to be held pending a final hearing, the Circuit Court judge shall hold a preliminary hearing and determine if probable cause exists on the alleged violation(s). At a final hearing the Circuit Court may revoke probation if it finds by a preponderance of the evidence that a violation has occurred.
5. The JSW shall appear in Circuit Court and be prepared to testify to the contents of the report and offer supporting documentation if necessary.
6. If probation is revoked, the Youthful Offender shall be returned to custody of DJJ if the Youthful Offender is under the age of eighteen (18). The procedures of the Kentucky Department of Juvenile Justice Classification and Placement Manual shall be followed.

#### **G. Detention of Youthful Offenders Pending Revocation Proceedings**

1. Any youth proceeded against as a Youthful Offender, under the provisions of KRS Chapter 640, who is under eighteen (18) years of age shall be detained in a secure juvenile detention facility if he or she is unable to meet the conditions of release or bail established pursuant to KRS 431 and the Kentucky Rules of Criminal Procedures. Reference KRS 640.020(1).
2. Any youth proceeded against as a Youthful Offender, under the provisions of KRS Chapter 640, who is eighteen (18) years of age or older shall be lodged as an adult if he or she is unable to meet the conditions of release or bail established pursuant to KRS 431 and the Kentucky Rules of Criminal Procedures. Reference KRS 640.020(2).

## **V. STAFF TRAINING**

- A. The Juvenile Services District Superintendent shall ensure that community staff are trained annually on the following:
  1. Circuit court proceedings;
  2. Youthful Offender probation supervision and case management; and

<b>POLICY NUMBER</b> <b>DJJ 616.1</b>	<b>EFFECTIVE DATE</b> <b>1/04/2016</b>	<b>PAGE NUMBER</b> <b>4 of 4</b>
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3. Revocation of Youthful Offender probation.

- B. The Juvenile Services Regional Manager and the Division of Legal Services shall collaborate and produce a training component regarding Youthful Offender statutes.

## **VI. MONITORING MECHANISM**

The Division Director of Community and Mental Health Services or designee and the Quality Assurance Branch shall develop monitoring protocols.